

ORDINANCE O-3-09
Code of the Town of Cheverly

An Ordinance, whereby the Mayor and Council authorize the use of photo speed monitoring systems within school zones after a public hearing and notice.

WHEREAS, Article VII, Section C-23A (22) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to regulate the speed, weight and operation of or prohibit the use of, motorcycles, motor bikes, motor scooters, buses, trucks, motor vehicles, locomotives and other motorized and operator propelled vehicles within the town limits; and

WHEREAS, Senate Bill 277, passed by the Maryland General Assembly and effective on October 1, 2009, allows municipalities to use photo speed monitoring systems in school zones and to issue citations or warnings to owners of vehicles that speed in excess of at least 12 miles above the posted speed limit; and

WHEREAS, the Mayor and Town Council deem it appropriate to amend the Town Code regarding speed limits and the use of photo speed monitoring systems within school zones of the Town of Cheverly; and

WHEREAS, the goal of photo speed monitoring systems in school zones is to reduce speeding on streets near schools in an effort to prevent accidents, injuries, and fatalities among pedestrians and motorists; and

WHEREAS, a photo speed monitoring system is an additional tool available to police for speed enforcement in school zones; and

WHEREAS, before a photo speed monitoring system may be used in school zones in a municipality, its use must be authorized by the Council of that municipality by Ordinance adopted after reasonable notice and a public hearing; and

WHEREAS, the Mayor and Town Council of the Town of Cheverly, a municipality in Maryland, has given public notice of this Ordinance and a public hearing on this Ordinance was held on August 13th and September 10th, 2009; and

WHEREAS, the Mayor and Town Council desires to authorize the use of school zone speed monitoring systems, under the terms and conditions set forth

in Senate Bill 277, as an additional tool available to police for speed enforcement in school zones.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Section 27-2 of the Cheverly Code be repealed and reenacted with amendments as follows:

Sec. 27-2.~ Speed limits and speed monitoring devices.

- A. Speed Limits – No person shall drive a vehicle upon a highway, street or roadway within the corporate limits of the Town of Cheverly at a greater speed than is reasonable and prudent, having due regard to the traffic surface and width of the highway, and hazards at intersections and any other condition then existing. The speed of any vehicle on any highway, street or roadway shall not exceed twenty-five (25) miles per hour, except as may otherwise be indicated by official signs of the Maryland State Motor Vehicle Administration or the Town of Cheverly for the particular district, location or conditions. (Ord. No. 20-77, 11-10-77)**

Charter reference--Authority to regulate speed of vehicles, § C-23A(22).

- B. Speed Monitoring Systems –**

- **A “speed monitoring system,” as defined in Maryland law, means a device with**

one or more motor vehicle sensors producing recorded images of motor vehicles traveling at least 12 miles per hour above the posted speed limit.

- 2. School zone speed monitoring systems are hereby authorized at locations, determined by the Chief of Police or his/her designee, in school zones within the Town, as established under § 21-803.1 of the Transportation Article of the *Annotated Code of Maryland*.**

3. Before activating any school zone speed monitoring system(s), the Town shall:

- A. Publish notice of the location(s) of the speed monitoring system(s) on**

the Town website and in a newspaper of general circulation within the Town; and

- B. Ensure that each sign that designates a school zone indicates that speed monitoring systems are in use in school zones.
4. The school zone speed monitoring system may operate Monday through Friday between 6:00 a.m. and 8:00 p.m.
- For a period of at least 30 days after the first speed monitoring system is placed

in the Town, a violation recorded by any speed monitoring system in the Town shall be enforced only by the issuance of a warning.

- The school zone speed monitoring system in the Town shall be conducted in

compliance with all applicable provisions of the Maryland Vehicle Law.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect on November 8, 2009, provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

INTRODUCED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on August 13, 2009, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on October 8, 2009, at which meeting copies were available to the public for inspection.

